21. (Unclassified - GLC) LIAISON Sam Goldberg, Department of State, called concerning the 2 June 1976 letter Secretary of State Kissinger had received from Senator Adlai Stevenson (D., Ill.) requesting security clearances and background checks on three of his personal staff. I told Goldberg of my conversations with Bill Miller, Senate Select Committee on Intelligence staff, concerning this matter and it was my understanding that the security investigations were merely general clearance precautions and that these people would not be granted access to material provided the Committee. Goldberg provided me with the language of Senator Stevenson's letter and I said I would check the letter we received and be back in touch with him.

22. (Unclassified - GLC) LEGISLATION Accompanied by [redacted] STAT OLC, I met with Bill Hogan, House Armed Services Committee staff. I picked up a copy of Representative Michael Harrington's (D., Mass.) "Dear Colleague" letter on U.S. [redacted] also talked with Hogan about the timetable on the CIARDS authorization and appropriation bills. I filled him in on the action being taken in the Senate Select Committee on Intelligence once the bill passes the House and we discussed our current negotiations with the House Appropriations Committee. Hogan was of the opinion the House Committee had accepted the [redacted] figure and, in fact, had so indicated in its report on the Defense appropriation bill. I told him Chuck Snodgrass, House Appropriations Committee staff, was reserving judgment on the actual figure involved here.

23. (Internal Use Only - PLC) LIAISON Mark Moran, in the office of Senator John V. Tunney (D., Calif.), called and gave an additional name to be checked out together with the names that he provided last week. He had only the name [redacted] and no further identifying information. I told him that if the name did not come up in connection with the pending checks, we will probably have nothing. He said he would not ask for individual checks unless he received more identifying information.

[redacted]
Legislative Counsel

cc: O/DCI O/DDCI Ex. Sec. Mr. Lapham Mr. Parmenter Mr. Falkewiecz
DDI DDA DDS&T EA/DDO IC Staff Comptroller

man from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

[Mr. ANNUNZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

[Mr. GONZALEZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

HOUSE RESOLUTION 1427, A RESOLUTION OF INQUIRY DIRECTING THE PRESIDENT TO PROVIDE TO THE HOUSE OF REPRESENTATIVES CERTAIN INFORMATION WITH RESPECT TO ANY PAYMENT MADE BY THE UNITED STATES TO INFLUENCE ITALIAN POLITICS AND WITH RESPECT TO A CERTAIN AGREEMENT MADE BY THE UNITED STATES REGARDING LOANS TO ITALY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MORGAN) is recognized for 5 minutes.

Mr. MORGAN. Mr. Speaker, on August 4, 1976, the Committee on International Relations met in open session to consider House Resolution 1427, a resolution of inquiry directing the President to provide to the House of Representatives certain information with respect to any payment made by the United States to influence Italian politics and with respect to a certain agreement made by the United States regarding loans to Italy.

By a voice vote, the committee adopted a motion to lay the resolution on the table.

Prior to the motion to lay the resolution on the table, a motion was made by the principal sponsor of the resolution, the Honorable MICHAEL HARRINGTON, who is a member of the committee, that, due to the sensitive nature of the resolution, the committee go into executive session. The motion was adopted by a recorded vote of 20 to 0.

House Resolution 1427 was introduced on July 27, 1976, by Mr. HARRINGTON and six cosponsors, and referred to the Committee on International Relations.

On July 28, I wrote the President requesting his comments on the resolution. The executive branch reply was received on August 3.

On August 4, the committee met to consider the resolution.

The executive branch reply was read to the committee in open session. Subsequently, in executive session, the committee reviewed the executive branch reply and discussed the issues raised in the resolution. At the close of the discussion, a motion to lay the resolution on the table was adopted by voice vote without objection.

Mr. Speaker, I am making this statement to apprise the House of the action taken by the Committee on International Relations on August 4 with respect to House Resolution 1427.

At this point, I include in the RECORD the text of the resolution and the exchange of correspondence with the executive branch:

H. RES. 1427

Resolved, That not later than ten days after the date of adoption of this resolution, the President shall furnish to the House of Representatives the following information if such information is known by him or within his possession:

(1) Within one year preceding the date on which information is furnished pursuant to this resolution, has any person (including any civilian employee, member of the Armed Forces, or person under contract) acting under the direction of the United States Government or any agency or other instrumentality of the United States Government paid or offered to pay any funds, directly or indirectly—

(A) to the Italian Christian Democratic party, to any other political party in Italy, to any member of any such parties, to any affiliate of any such parties, or to any government official or any candidate for any local or national political office in Italy; or

(B) to any newspaper, radio, television, advertising, or other company engaged in any form of print media or telecommunications (or any employee or agent thereof) which distributes or broadcasts to any part of Italy?

If so, for each such instance, furnish the following information: the amount of funds involved; the date on which payment of such funds was offered and, if such funds were paid, the date on which such payment was made; the recipient of such payment; and the instrumentality of the United States Government responsible for such payment.

(2) Did any individuals (A) assigned or otherwise attached to any United States embassy or other diplomatic mission, or (B) employed by any United States or multinational corporation, participate in any way in any payment or offer described in paragraph (1) of this resolution? In addition, were any funds which were involved in any such payment illegally exchanged for foreign currency either before or after any payment of such funds?

(3) What facts made expedient the decision of the United States to enter into agreement with France, West Germany, and Great Britain in refusing to loan money to Italy if any Communist is admitted to the cabinet of the Italian Government?

COMMITTEE ON INTERNATIONAL RELATIONS,
July 28, 1976.

HON. GERALD R. FORD,
President of the United States, The White House, Washington, D.C.

DEAR MR. PRESIDENT: I am writing to request your comments on a resolution of inquiry which was introduced in the House on Tuesday, July 27, 1976, and referred to the Committee on International Relations.

Enclosed are two copies of the resolution, H. Res. 1427, directing the President to provide the House of Representatives certain information with respect to any payment made by the United States to influence Italian politics and with respect to a certain agreement made by the United States regarding loans to Italy.

As you know, the Committee must act on this resolution within 7 legislative days beginning today. We will appreciate receiving your comments as soon as possible but not later than Tuesday, August 3.

Sincerely yours,

———,
Chairman.

THE WHITE HOUSE,
Washington, August 3, 1976.

HON. THOMAS MORGAN,
Chairman, Committee on International Relations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your request for comments on H. Res. 1427.

Paragraphs 1 and 2 of H. Res. 1427 are similar to an earlier resolution of inquiry (H. Res. 1295) introduced by Congressman Harrington on the same subject. As you know, we commented on this earlier resolution by my letter to you of June 16, 1976. The views expressed at that time are applicable to the current resolution, and I enclose a copy of my previous letter for your reference.

With regard to paragraph 3 of H. Res. 1427, contrary to the impression conveyed in some press reports, there was no agreement entered into by the United States with France, West Germany, and Great Britain, or any other country on the question of assistance to Italy if the Communists entered the Italian Government, although the general issue was discussed at the economic summit meeting in Puerto Rico in June. Accordingly, a privileged resolution on this subject appears unnecessary.

Based on the above considerations, it is our belief that approval of H. Res. 1427 by the Committee on International Relations and the House of Representatives would serve no useful purpose and would be incompatible with the public interest.

BRENT SCOWCROFT.

THE WHITE HOUSE,
Washington, June 16, 1976.

HON. THOMAS MORGAN,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your request for comments on H. Res. 1295.

It is our view that this resolution is an inappropriate instrument for considering the kinds of activities set forth in H. Res. 1295. We believe that, regardless of the country involved, information on any activities such as those mentioned in H. Res. 1295 should be dealt with only by the appropriate committees of Congress with due consideration for protecting against public disclosure of information which could be harmful to the nation's foreign policy and national security. In addition, the adoption of H. Res. 1295 would be wholly inconsistent with the purpose of Section 662 of the Foreign Assistance Act of 1961, as amended. That provision, which resulted from the work of your Committee, was enacted specifically to keep Congress advised of any information such as that sought in the resolution of inquiry. If the resolution is now adopted, it would vitiate the procedures set up for this very purpose.

Based on the above consideration, it is our belief that approval of the H. Res. 1295 by the Committee on International Relations and the House of Representatives would be incompatible with the public interest.

BRENT SCOWCROFT.

THE NUCLEAR FUEL ASSURANCE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. DODD) is recognized for 5 minutes.

Mr. DODD. Mr. Speaker, I rise to express my deep regret that the House yesterday narrowly defeated the Bingham amendment to H.R. 8401, the Nuclear Fuel Assurance Act, and voted for pas-

is necessary for "public safety." To smoke or to abstain is a matter of legal choice in this country, and the FTC should recognize that before it throttles an industry which provides vast economic benefits not only to Southside Virginia but to the nation as a whole.

CONGRESSIONAL VIGIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BROOMFIELD) is recognized for 10 minutes.

Mr. BROOMFIELD. Mr. Speaker, in this Bicentennial Year, we have heard many speeches extolling the principles of liberty and democracy upon which our Nation was founded. It is appropriate that we celebrate this special occasion and rededicate ourselves to these principles. Only through continued vigilence will we assure their continuance.

However, we should also stand back and reflect upon the fate of millions of people who must live their lives under the yoke of tyranny.

The Soviet Union, in not living up to its pledge in the Helsinki Final Act to do everything possible to reunite families separated by political boundaries, tragically continues their oppression.

I am pleased, therefore, to join many of my colleagues in conducting a vigil on behalf on the families which remain separated by this tyranny. I wish to call my colleagues' attention to the case of one family which exemplifies the tragedy these people must endure.

In June 1972, Dr. Isaac Poltinnikov, a noted opthalmologist; his wife, Irma, a cardiologist; and his daughters, Victoria, a radiologist, and Eleanora applied for exit visas from the Soviet Union to go to Israel.

In November of that year, the youngest daughter, Eleanora, and her grandfather were allowed to emigrate with the assurance that the rest of the family would join them in 10 days. That was 4 years ago and the family has not been together since.

In preparation for their emigration, Dr. Poltinnikov retired in December 1972, as a colonel from the Soviet army after 30 years of service as an army doctor. Yet even with this long period of service, he has been deprived of his well-earned pension and he has been denied the right to practice his profession elsewhere. Upon his retirement, his wife and daughter were also fired from their positions and they, too, have been prevented from practicing their profession.

The Poltinnikovs reapplied for exit visas for the 10th time in October of 1973, but as before, they were refused.

In the meantime, all telephone and mail contact with them has ceased. The last receipt for a parcel of food was signed by Mrs. Poltinnikov in December 1974 and carried the following plea under her signature:

Entreat somebody of friends to come to us. Situation is undesirable. Grateful for everything wholeheartedly.

Mr. Speaker, I have attempted to help this family since 1974. I have written the Soviet Ambassador on numerous occasions and have received no reply. After contacting the Department of State, I was informed that they have made known the views of the United States on this matter and have expressed their interest in the plight of the Poltinnikov family. Yet even with these efforts, the Poltinnikov family remains separated.

All three of the Poltinnikovs are seriously ill but they fear going to a hospital for treatment because they are afraid of being poisoned. They live behind barricaded doors, afraid of friend and foe alike, for they have been driven to paranoia by 4 continuous years of persecution and harassment.

Mr. Speaker, as we celebrate the 200th birthday of our Nation, as we rejoice in the principles of liberty and democracy which guide our country, we cannot help but feel sorrow for the many, like the Poltinnikovs, who do not share in our blessings. I look forward to the day when the Soviet Union, sharing our belief in human dignity, grants its people the right to live where they choose.

NEED FOR BRICKER AMENDMENT CITED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 5 minutes.

Mr. ASHBROOK. Mr. Speaker, I recently gave the following testimony on my bill, House Joint Resolution 105 before the Subcommittee on International Security and Scientific Affairs of the Foreign Affairs Committee. My bill is modeled along the lines of the old Bricker amendment. Many of us often reflect on how much better off this country would be in 1976 if the Bricker amendment had not been defeated in 1954. The testimony is as follows:

TESTIMONY BEFORE THE SUBCOMMITTEE ON INTERNATIONAL SECURITY AND SCIENTIFIC AFFAIRS

I am pleased to have this opportunity to testify on behalf of my bill H.J. Res. 105. This bill is modeled along the lines of the Bricker Amendment, named after its original sponsor, former U.S. Senator John Bricker of Ohio.

On February 26, 1954 the Bricker Amendment to the Constitution fell one vote short of achieving the two-thirds majority needed for Senate passage. The failure of this amendment has had tragic consequences for our nation. Every President since then has used treaty law for all sorts of actions, including dispatching troops throughout the world and committing us to monetary agreements.

How does this process work? The Executive Branch sends some people to negotiate an agreement with another nation. The agreement is signed and then it is said the United States is bound by that agreement. The agreement becomes the basis for actions of questionable constitutional validity. If we would limit the Presidency, if we would go back to the vision that John Bricker had in 1954, when he tried to prevent treaties and executive agreements from taking precedence over our Constitution and stop delegating authority to the President that he should not have, we could put this constitutional republic back in proper balance.

Such action is as important today as it was in 1954. The use of executive agreements to conduct foreign policy has become widespread. According to an article by radio commentator and nationally syndicated columnist M. Stanton Evans in the November 3, 1973 issue of Human Events, "At the time of Bricker's original motion, it was estimated some 1,500 executive agreements had been put into effect. In the intervening two decades, the growth rate has been truly exponential. As of Jan. 1, 1973, there were 4,589 such agreements on the books, compared to 910 treaties. Some 846 of these executive agreements had been put into effect by President Nixon, compared to 65 treaties—a ratio of 13 to 1."

That is why I have introduced H.J. Res. 105. It would put constitutional safeguards on the use of executive agreements in conducting foreign policy. It would prevent treaties and executive agreements from overriding the freedoms and safeguards found in the Constitution.

This is necessary because of Article VI of the Constitution and two major Supreme Court decisions. Article VI, clause 2 provides that:

This Constitution, and the laws of the United States which shall be made in Pursuance thereof; and all Treaties' made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

Therefore all treaties which meet the formal procedural requirements for enactment are the supreme law of the land, whereas acts of Congress are supreme only if they are in accord with the substantive provisions of the Constitution. Since treaties stand above the Constitution, the constitutionality of treaty provisions cannot be tested in the courts. The protection of life, liberty and property found in the Constitution is rendered useless. This is contrary to any view of limited government.

The Supreme oCurt has broadly interpreted the treaty-making authority under Article VI. It has ruled that powers not originally granted to the federal government by the Constitution may be created by a treaty. In *Missouri* v. *Holland*, 252 U.S. 416 (1920), the Supreme Court held that Congress could exercise legislative power under a treaty which it could not otherwise exercise under the Constitution. This means that a treaty can empower Congress to pass legislation which, without the treaty, would be constitutionally reserved to the exclusive power of the States.

The Supreme Court has also given an equivalent status to executive agreements. In *United States* v. *Pink*, 315 U.S. 203 (1942), the Supreme Court held that an executive agreement between President Roosevelt and the Soviet Union had the same force and effect as a treaty and that the agreement nullified a New York State law forbidding confiscation of private property. This means that the President can override State law by executive agreements with other nations without even consulting the Senate.

H.J. Res. 105 will prevent unnecessary delegation of power by Congress to the President. Congressional abdication of responsibility helped lead to Vietnam. This constitutional amendment, like the war powers bill, will help restore a proper Congressional role in foreign affairs.

H.J. Res. 105 also will clearly establish that treaties and executive agreements shall not take precedence over the Constitution of the United States. Considering all the treaties to which the United States is a party and the trend toward greater use of executive agreements in conducting foreign policy, it is time that Congress moved to reassert the supremacy of the Constitution.

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

A small new group is set up—the United States Resource Recovery Corporation—which will be the chief source of funds for the development of modern resource recovery facilities throughout the country. Those funds will be in the form of loan guarantees and can never exceed 50 percent of the total cost of a project.

The bill also establishes resource recovery panels within EPA which will be extremely useful for prompt project evaluation and will form the primary basis for the approval of loans by the corporation.

The bill also includes a number of requirements with respect to Federal procurement and Federal-State cooperation.

Mr. Speaker, I will not take the time now to explain all of the parts of the bill in detail, but let me conclude by pointing out that each year we in America discard millions and millions of tons of material which have a useful life. This bill will extend the useful life of all of those products. It can be the beginning of a new era of conservation by Americans and can through energy conversion contribute significantly toward easing our dependence on petroleum products.

GENERAL LEAVE

Mr. HAYES of Indiana. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks and to include extraneous material on the special order today of the gentleman from Pennsylvania (Mr. ROONEY).

The SPEAKER pro tempore. (Mr. DANIELSON). Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana (Mr. BAUCUS) is recognized for 10 minutes.

[Mr. BAUCUS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. HARKIN) is recognized for 5 minutes.

Mr. HARKIN. Mr. Speaker, I was unable to be present in the House of Representatives for the legislative session of Monday, June 14, 1976, due to the occurrence of tornadoes and severe weather storms which destroyed the town of Jordan and caused substantial damage to other areas in my district, requiring my attendance to the needs of my affected constituents.

Had I been here, I would have voted "nay" on rollcall No. 367, an amendment to H.R. 14261 which affected funds for the IRS informer program. I would have voted "yea" on rollcall No. 368, an amendment to H.R. 14261 which concerned total budget authority for payments not required by law. I would have voted "nay" on rollcall No. 369, an amendment to H.R. 14261 which affected funds for compiling records of congressional contacts with the IRS, and I would have voted "nay" on rollcall No. 370, final passage of H.R. 14261, appropriations for Treasury and Postal Service.

I would have voted "yea" on rollcall No. 371, House Resolution 1279 which granted a rule for consideration of H.R. 14114, and I would have voted "nay" on rollcall No. 372, final passage of H.R. 14114, which would increase the temporary public debt limitation. Lastly, I would have voted "nay" on rollcalls Nos. 374, 375, and 376, which concerned amendments to H.R. 6218, Outer Continental Shelf Lands Act Amendments of 1976.

Due to previous commitments in my district, I was forced to absent myself from the Chamber before the conclusion of legislative business on Friday, June 18, 1976. Had I been able to remain, I would have voted "yea" on rollcall No. 410, an amendment to H.R. 14239 which would add $138 million to the appropriation for the LEAA. I would have voted "nay" on rollcall No. 411, a motion to recommit H.R. 14239 to committee, and I would have voted "yea" on rollcall No. 412, final passage of H.R. 14239, appropriations for State, Justice, Commerce, and the judiciary.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PATTISON) is recognized for 5 minutes.

Mr. PATTISON of New York. Mr. Speaker, I was unable to be present in the House of Representatives for the session of Monday, June 21, 1976.

Had I been present I would have voted in favor of the passage of all resolutions considered by the House under suspension of the rules.

This includes support for the student loan program (rollcall 414), veterans' disability and pensions (rollcalls 415 and 416), codification of United States flag rules (rollcall 417), and extention of the Horse Protection Act of 1970 as revised.

HOUSE RESOLUTION 1295 AND 1324, RESOLUTIONS OF INQUIRY DIRECTING THE PRESIDENT TO PROVIDE TO THE HOUSE OF REPRESENTATIVES CERTAIN INFORMATION WITH RESPECT TO ANY PAYMENT MADE BY THE UNITED STATES TO INFLUENCE ITALIAN POLITICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MORGAN) is recognized for 5 minutes.

Mr. MORGAN. Mr. Speaker, on June 22, 1976, the Committee on International Relations met in open session to consider House Resolutions 1295 and 1324, resolutions of inquiry directing the President to provide to the House of Representatives certain information with respect to any payment made by the United States to influence Italian politics.

By a vote of 15 to 8 the committee adopted a motion to lay the resolutions on the table.

House Resolution 1295 was introduced by the Honorable MICHAEL HARRINGTON on June 11, 1976, and referred to the Committee on International Relations.

An identical resolution, House Resolution 1324, was introduced on June 18, 1976, by Mr. HARRINGTON and five cosponsors.

On June 14, I wrote the President requesting his comments on the original resolution. The executive branch reply was received on June 16.

On June 22, the committee met to consider the resolution and to review the executive branch reply.

In the course of the committee's discussion of the resolutions the following points were made:

First. The committee noted executive branch comments in opposition to the original resolution, asserting that making available information requested under the format of the resolutions would be contrary to the public interest.

Moreover, the committee noted that the appropriate mechanism for furnishing such information to the Congress has been designated by section 662 of the Foreign Assistance Act and other arrangements between the Congress and the executive branch. Under these provisions the Subcommittee on Oversight of the Committee on International Relations, and several other designated committees or subcommittees, receive information with respect to U.S. operations in foreign countries other than activities intended solely for obtaining necessary intelligence.

Second. It was further noted that House Resolutions 1295 and 1324 are drafted in such a manner as to cast doubt on their standing as bona fide privileged resolutions of inquiry under the Rules of the House of Representatives on two counts.

First, paragraph 857 of the Rules states that "to enjoy the privilege a resolution should call for facts rather than opinions * * *."

In at least two instances, the resolutions would require the President to express an opinion. For example, paragraph (1)(b) inquires whether any person acting on behalf of the U.S. Government paid or offered to pay any funds "to any newspaper, radio, television, advertising, or other media-related company or entity which was within its primary area of impact any part of Italy." A statement which would characterize a newspaper or other media-related company as having a certain geographic region as its primary area of impact would clearly be based on an opinion rather than fact.

The resolutions also would require the expression of an opinion in paragraph (3) where they inquire whether any representative of the U.S. Government participated in any meeting with any national of Italy concerning the use of "extraconstitutional means" to solve the Italian political crisis.

Second, paragraph 857 of the Rules also stipulates that, to be accorded priv-

material disposal and the conservation of our natural resources through the recovery of valuable materials from our waste:

TITLE BY TITLE SUMMARY OF THE RESOURCE CONSEVATION AND RECOVERY ACT OF 1976

The main provisions of this act are:

1. The establishment of a statutory office of Discarded Materials as opposed to an administrative creation within the Environmental Protection Agency. This office would have regulatory power as well as guideline authority.

2. The creation of federal, state and local cooperative effort for finding methods of discarded materials management which protect the environment and human health, and at the same time utilizes the resources to their maximum extent either through materials or energy recovery.

3. The development of markets for recovered materials by using federal purchasing power and the bureau of standards to determine when recovered materials can be substituted for virgin materials.

4. The creation of a Federal Regulatory System for Hazardous Waste Disposal.

5. The provision of Federal Assistance to state and local communities that comply with state plans. The financial assistance will be in two forms. Loan guarantees, for the construction of resource recovery facilities, and waste supply contract guarantees for such systems.

TITLE I—GENERAL PURPOSE SECTION

Definition, integration with other acts and government cooperation. Title I states the objectives and findings of the act. Land is a scarce resources and it has constantly and continuously disposed on its discarded materials.

Materials can be recovered from discarded materials and discarded materials can be used to produce energy.

The technology exists to recovery energy and materials from the discarded materials.

TITLE II OFFICE OF DISCARDED MATERIALS

The general purpose of this title, is to create a statutory Office of Discarded Materials within EPA.

The present administrative office is changed to one having statutory authority and direction to carry out the purposes of this act and those of the Solid Waste Disposal Act of 1965. The office would be required to establish resource recovery outreach panels. Each panel would consist of four persons; a technical expert in discarded materials, a financial expert, a marketing expert, and an expert familiar with the legal and institutional barriers to solid waste recovery. The main purposes of the panels, would be to provide technical assistance, to communities, helping them to understand and develop a resource recovery system. The other purpose of the panels will be to assist the U.S. Resource Recovery Corporation in evaluating facilities applying for federal financial assistance. In addition to establishing the Resource Recovery Panels, the office will also be responsible for having guideline and regulatory authority for assisting the State discarded materials programs and state planning. It will administer hazardous waste programs and will conduct studies in the discarded materials and hazardous waste area.

TITLE III—HAZARDOUS WASTE MANAGEMENT

Under this title, the Federal Government will be preempting the field of hazardous waste, however, the states will be given, if they choose, the power to enforce such a system. To do so they must have a system that substantially complies with the regulations promulgated by the Administrator.

4. The state must have a hazardous waste disposal program in compliance with federal regulations as provided in Title III.

5. The state can not prohibit any local community from entering into any long-term contract with the resource recovery facilitiy.

If these provisions are complied with, then the state is automatically granted approval of its plan. Seeking approval in the first year, the state only has to file a detailed summary of what it intends to do to comply with the objectives in the minimum requirements of this title. To receive assistance in the second year the state must file a detailed progress report, and for any state to receive any further assistance it must have its plan approved.

If by the second year the state has not complied with the necessary requirements to receive financial assistance, local governments will be permitted to cooperate with each other to form a region and receive the planning and implimentation money.

For the first year, there will be $30 million authorized; the second year $40 million, and for the third year $50 million.

TITLE V—DUTIES OF THE SECRETARY OF COMMERCE IN RESOURCE RECOVERY

The department of commerce is being brought in principally because of its bureau of standards, and relationship to private industry.

Its primary function will be to develop standards for secondary materials and to develop a substitution index as to when secondary materials can be used in lieu of virgin materials. Further, the department of commerce is directed to identify potential markets for recovered materials.

It is also directed to promote resource recovery technology as it promotes other technology, and to act as a forum for information exchange within the industry.

TITLE VI—THE UNITED STATES RESOURCE RECOVERY CORPORATION

This title establishes a new government corporation with a 10 year life whose purpose is to increase access to the capital markets of municipalities and private companies for the construction of resource recovery facilities. The corporation would do this by issuing loan or bond guarantees backed by the credit of Federal Government.

To reduce the operating risk to resource recovery facilities and to participating municipalities supplying waste to such facilities such guarantees would keep the facility from closing of one or more discarded materials supplies breached a supply agreement. The guarantees would be similar to insurance with the facility paying a premium to the corporation for coverage.

No guarantee would be issued on a loan with a maturity of more than 30 years or 90 per cent of the life of the facility which ever was less. Contract insurance would be provided in conjunction with a private surety company, and only if such insurance was not available elsewhere.

All guarantees would be made on the basis of whether or not the same benefit could be attained on reasonable terms without corporation assistance; appropriate geographic distribution of facilities; and the risk to the corporation. At termination of the corporation, assets and liabilities are turned over to the treasury. Facilities receiving corporation assistance must be consistent with an approved state plan.

TITLE VII—FEDERAL RESPONSIBILITIES

This title provides that with regard to discarded materials management the law of the state in which any federal facility is located is the law that governs. Federal procurements agenices are directed to review and revise their specifications using the index of substitutability developed by the Bureau of Standards and to eliminate arbitrary discrimination against any recovered materials. All federal agencies particularly ERDA, the bureau of mines and the department of commerce are directed to cooperate with the EPA in regard to discarded materials management.

TITLE VIII—MISCELLANEOUS PROVISIONS OF THE ACT

This title basically protects any employee who reports any violation of this law.

It permits citizen suits, and in the event of eminent hazard to health permits the administrator to take the proper remedial legal action in any federal court of competent jurisdiction.

It permits private rulemaking in the case of a person wants to take an action either in the hazardous material area, or discarded material area, or any other provision of the bill, which complies with the basic purposes of the bill, but does not fit within the administrators rule making. The purpose is to seek a rule stating that the proposed activity fits within the act, complies with all health, safety and environemtnal aspects and permit such regulations to be promulgated.

Mr. SKUBITZ. Mr. Speaker, I am happy to cosponsor the Resource Conservation and Recovery Act of 1976 along with the chairman of the Transportation and Commerce Subcommittee (Mr. ROONEY). There are some specific matters in the bill which I am not altogether satisfied with, but I am sure these differences can be worked out once the bill is analyzed and considered by the subcommittee.

A little over a year ago we on the subcommittee began consideration of legislation which could bring about better results in this Nation's treatment of discarded materials. At that time nearly 2 weeks of hearings were held and witnesses from Government, private industry, and environmental groups gave us the benefit of their expertise.

This spring the chairman and I sponsored a 2-day symposium on resource conservation and recovery which again brought together those most knowledgeable in the field.

During the last several months members of both the majority and minority staffs have been working with the administration, States, local governments, private industry, and environmental groups in order to produce a bill which would give a new impetus to solid waste management and resource recovery.

As I have said, Mr. Speaker, the bill we are introducing today goes a long way toward achieving our goal. First of all, it creates an Office of Discarded Materials in the Environmental Protection Agency. That office will have a primary responsibility for prescribing new rules and regulations with respect to hazardous waste management and approval of State or regional discarded materials plans. States are given 2 years to come up with plans which must include, among other things, strict standards for landfills and a phaseout of unsightly and unhealthy open dumps.

The Secretary of Commerce is given a new role in resource conservation and recovery. Among the tasks that will be given to his department are the development of specifications for secondary materials; development of markets for recovered materials; and the promotion of new technologies available for converting garbage, trash, and junk into useful energy.

ileged status, a resolution of inquiry must not require an investigation.

Although House Resolutions 1295 and 1324 request certain information "if known," they do not specify specific sources. Therefore, the mere identification of individuals who may be knowledgeable of the requested information would require an investigation.

Further, the resolutions request information covering a 5-year period, involving two administrations, unnamed individuals acting on behalf of unidentified U.S. Government agencies, unspecified U.S. and multinational corporations, Italian nationals, and foreign news media. The accumulation of such information would clearly require investigative procedures on the part of the executive branch.

Moreover, due to its ambiguous nature, the requested information would require much longer to produce than the 10 days called for in the resolution.

Mr. Speaker, I am making this statement in order to apprise the House of what has transpired in the Committee on Internal Relations on June 22, and to draw attention to the major issues which motivated the committee to table House Resolutions 1295 and 1324.

At this point, I include in the RECORD the texts of the two resolutions and the exchange of correspondence with the executive branch:

H. RES. 1295

Resolved, That not later than ten days after the date of adoption of this resolution, the President shall furnish to the House of Representatives the following information:

(1) Within five years preceding the date on which information is furnished pursuant to this resolution and if known, has any person (including any civilian employee, member of the Armed Forces, or persons under contract) acting on behalf of the United States Government or any agency or other instrumentality of the United States Government paid or offered to pay any funds, directly or indirectly—

(A) to the Italian Christian Democratic Party or any member thereof, to any other political party or any other political organization in Italy or any member of any such party or organization, or to any government official or any candidate for any local or national political office in Italy; or

(B) to any newspaper, radio, television, advertising, or other media-related company or entity (or any employee or agent thereof) which has within its primary area of impact any part of Italy?

If so, for each such instance, furnish the following information to the extent known: the amount of funds involved; the date on which payment of such funds was offered and if such funds were paid, the date on which such payment was made; the identity of any person to whom payment was made and of the intended recipient of such payment; the instrumentality of the United States Government responsible for such payment; and the circumstances surrounding such payment.

(2) If known, were any individuals (A) assigned or otherwise attached to any United States Embassy or other diplomatic mission, or (B) employed by any United States or multinational corporation, involved in any way in any payment or offer described in paragraph (1) of this resolution? In addition, if known, were any funds which were involved in any such payment illegally exchanged for foreign currency either before or after any payment of such funds?

(3) Within five years preceding the date on which information is furnished pursuant to this resolution and if known, has any person (including any civilian employee, member of the Armed Forces, or person under contract) acting on behalf of the United States Government or any agency or other instrumentality of the United States Government participated in any meeting, discussion, or other contact with any national of Italy concerning the use of any extraconstitutional means to solve the Italian political crisis? If so, for each such instance, furnish the following information to the extent known: the identity of any person taking part in any such contact with an Italian national; the date on which such contact was made; the instrumentality of the United States Government responsible for such contact; and the circumstances surrounding such contact.

(4) Within five years preceding the date on which information is furnished pursuant to this resolution and if known, has any person (including any civilian employee, member of the Armed Forces, or person under contract) acting on behalf of the United States Government or any agency or other instrumentality of the United States Government (other than any person acting in the course of an investigation of possible violations of any law of the United States) discussed, orally, or in writing, with any United States or multinational corporation, or any employee or agent thereof, any payment or the offer of any payment of any funds, directly or indirectly, to any individual or entity described in subparagraph (A) or (B) of paragraph (1) of this resolution?

H. RES. 1324

Resolved, That, not later than ten days after the date of adoption of this resolution, the President shall furnish to the House of Representatives the following information:

(1) Within five years preceding the date on which information is furnished pursuant to this resolution and, if known, has any person (including any civilian employee, member of the Armed Forces, or person under contract) acting on behalf of the United States Government or any agency or other instrumentality of the United States Government paid or offered to pay any funds, directly or indirectly—

(A) to the Italian Christian Democratic Party or any member thereof, to any other political party or any other political organization in Italy or any member of any such party or organization, or to any government official or any candidate for any local or national political office in Italy; or

(B) to any newspaper, radio, television, advertising, or other media-related company or entity (or any employee or agent thereof) which has within its primary area of impact any part of Italy?

If so, for each such instance, furnish the following information to the extent known: the amount of funds involved; the date on which payment of such funds was offered and if such funds were paid, the date on which such payment was made; the identity of any person to whom payment was made and of the intended recipient of such payment; the instrumentality of the United States Government responsible for such payment; and the circumstances surrounding such payment.

(2) If known, were any individuals (A) assigned or otherwise attached to any United States Embassy or other diplomatic mission, or (B) employed by any United States or multinational corporation, involved in any way in any payment or offer described in paragraph (1) of this resolution? In addition if known, were any funds which were involved in any such payment illegally exchanged for foreign currency either before or after any payment of such funds?

(3) Within five years preceding the date on which information is furnished pursuant to this resolution and, if known, has any person (including any civilian employee, member of the Armed Forces, or person under contract) acting on behalf of the United States Government or any agency or other instrumentality of the United States Government participated in any meeting discussion, or other contract with any national of Italy concerning the use of any extraconstitutional means to solve the Italian political crisis? If so, for each such instance, furnish the following information to the extent known: the identity of any person taking part in any such contact with an Italian national; the date on which such contact was made; the instrumentality of the United States Government responsible for such contact; and the circumstances surrounding such contact.

(4) Within five years preceding the date on which information is furnished pursuant to this resolution and, if known, has any person (including any civilian employee, member of the Armed Forces, or person under contract) acting on behalf of the United States Government or any agency or other instrumentality of the United States Government (other than any person acting in the course of an investigation of possible violations of any law of the United States) discussed, orally or in writing, with any United States or multinational corporation, or any employee or agent thereof, any payment or the offer of any payment of any funds, directly or indirectly, to any individual or entity described in subparagraph (A) or (B) of paragraph (1) of this resolution?

JUNE 14, 1976.

Hon. GERALD R. FORD,
President of the United States,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: I am writing to request your comments on a resolution of inquiry which was introduced in the House on Friday, June 11, 1976, and referred to the Committee on International Relations.

Enclosed are two copies of the resolution, H. Res. 1295, directing the President to provide the House of Representatives certain information with respect to any payment made by the United States to influence Italian politics.

As you know, the Committee must act on this resolution within 7 legislative days beginning today. We will appreciate receiving your comments as soon as possible but no later than Thursday, June 17, 1976.

Sincerely yours,

THOMAS E. MORGAN,
Chairman.

THE WHITE HOUSE,
Washington, D.C., June 16, 1976.

Hon. THOMAS MORGAN,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your request for comments on H. Res. 1295.

It is our view that this resolution is an inappropriate instrument for considering the kinds of activities set forth in H. Res. 1295. We believe that, regardless of the country involved, information on any activities such as those mentioned in H. Res. 1295 should be dealt with only by the appropriate committees of Congress with due consideration for protecting against public disclosure of information which could be harmful to the nation's foreign policy and national security. In addition, the adoption of H. Res. 1295 would be wholly inconsistent with the purpose of Section 662 of the Foreign Assistance Act of 1961, as amended. That provision, which resulted from the work of your

Committee, was enacted specifically to keep Congress advised of any information such as that sought in the resolution of inquiry. If the resolution is now adopted, it would vitiate the procedures set up for this very purpose.

Based on the above consideration, it is our belief that approval of the H. Res. 1295 by the Committee on International Relations and the House of Representatives would be incompatible with the public interest.

BRENT SCOWCROFT.

THE PRESIDENT'S "ALTERNATIVES" TO BUSING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. PREYER) is recognized for 5 minutes.

Mr. PREYER. Mr. Speaker, from what Attorney General Levi has said, the "alternatives to busing" legislation which he and the President are considering makes the same mistake that characterizes much other legislation in this area: it addresses the remedy applied by the courts and not the underlying problem.

Because of our separation of powers, Congress is always treading on dangerous ground when it seeks to stop the courts from granting certain remedies or to limit judicial decrees in an area in which the courts are applying the Constitution. Thus, the proposal of Attorney General Levi and President Ford inevitably raises questions of constitutionality. These questions can be easily avoided if Congress uses its legislative power to reduce the need for busing, rather than creating false hopes by attempting to foreclose the remedies of the court.

As the late Alexander Bickel, distinguished professor of constitutional law at Yale Law School, put it in testimony before the House Committee on Education and Labor:

If . . . instead of trying to order the courts to stop granting a remedy, we attack the problems that they are attempting to deal with, we address the reality to which the courts are reacting, and manage to present courts in the future with school districts embarked on concerted long-range efforts of educational reform, then, without needing to renege on prior decisions and without any impairment of the general function of judicial review, courts will be able to say that they are now confronting a new reality, which no longer calls for the old remedies. To strum, trying to ward off busing by lashing out against it negatively can at best be only partly effective—and then at the cost of damage to our educational system—because busing is only a symbol of what we wish to ward off and change. What is needed is the affirmative provision of constructive alternatives to busing.

In the controversy over school desegregation, much criticism has been levied at the judiciary, particularly at U.S. District Court judges who are ordering desegregation plans to be implemented by local school boards.

As a former Federal District Court judge, I can appreciate the dilemma facing these judges.

Courts are poor instruments for bringing about specific reforms in education. When confronted with racial isolation in a school district that is doing little on its own to attack the problem, a court will order busing because there is little else it can do that will have much impact. A court may well decide that it is foolhardy to insist on racial balance—which busing promises but all too often fails to achieve—as the means of solving the problem of racial isolation in a particular school district. But what else is the court to do? We need to assist the courts by offering them alternatives to busing rather than just "prohibiting" the use of busing by legislation, a prohibiting which the courts could accept only by permitting a major impairment of their power first recognized in Marbury against Madison.

We do not need any "antijudiciary" bills.

Rather what we need is a recognition, on the part of Congress, of its obligation to enunciate national policy and to provide mechanisms and resources with which to carry out this policy.

Much is heard these days about the failure of this or that court-ordered busing plan to improve the quality of education the students receive: in point of fact, it is not the obligation of the courts to issue orders designed to improve the quality of education, although many judges wisely recognize the need for upgrading the quality of education in the atmosphere of desegregation. The obligation of our Federal courts in the context before them has been to guarantee equality of education, as this is enunciated in the 14th amendment and in decisions of the Supreme Court. We will gain little from spending our time attacking the courts; instead we should remove the courts from the education business by removing the issue that put them there. It is for us, the Congress, to affirmatively establish a nexus between these two concepts—equality of education and quality of education. I have joined with a number of Members of Congress in introducing H.R. 10146 which provides this linkage between equality and quality of education and in doing so neither adds to nor detracts from the constitutional authority of the judiciary. It would, however, expand the mechanisms and resources available to our State and local educational agencies in establishing and maintaining unitary school systems. In doing so, it will provide incentives and assistance in bringing about voluntary compliance and should reduce the incidence of resort by the parties to the courts for resolution of disputes.

The Democratic Platform Committee has adopted this approach as its alternative to busing rather than the futile "limit the judiciary" approach of President Ford and Attorney General Levi. The platform section on busing reads:

The essential purpose of school desegregation is to give all children the same educational opportunity. We will continue to support that goal. The Supreme Court decision of 1964 and the aftermath were based on the recognition that separate educational facilities were inherently unequal. . . . It is clearly our responsibility as party and citizens to support the principles of our constitution.

The Democratic Party pledges its concerted help through special consultation, matching funds, incentive grants and other mechanisms to communities which support education, integrated both in terms of race and economic class, through equitable, reasonable and constitutional arrangements. Mandatory transportation of students beyond their neighborhood for the purpose of desegregation remains a judicial tool of last resort for the purpose of achieving school desegregation. The Democratic Party will be an activist ally of those communities which seek to enhance the quality as well as the integration of educational opportunities.

We encourage a variety of other measures including redrawing of attendance lines, pairing of schools, use of the magnet school concept, strong fair housing enforcement and other techniques for the achievement of racial and economic integration.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. DODD) is recognized for 5 minutes.

[Mr. DODD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

STATION WHAR—CLARKSBURG, W. VA.—FCC RULING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK. Mr. Speaker, in a decision made June 8—but officially released on June 16—the Federal Communications Commission ruled unanimously that radio station WHAR in Clarksburg, W. Va., had not met its public responsibilities by "failing to cover the issue of strip mining, an issue which clearly may determine the quality of life in Clarksburg for decades to come." The FCC acted on a complaint filed by the Media Access Project law firm on behalf of a resident of Clarksburg, the Environmental Policy Center, and myself.

Since the FCC decision was first reported by the press, it has evoked considerable discussion. On June 10, Senator PROXMIRE took the floor in the other body to criticize the decision, raising the question of whether the Commission would have acted similarly if some other complainant had been involved and terming the decision one which was in violation of the first amendment and depicting a specter of governmental intrusion into free speech. Mr. Speaker, I believe that the Senator, and others who have been "spooked" by the same shadows, are needlessly alarmed. Now that the full decision—and not just a necessarily terse press account—is available, I recommend that they read it—because Mr. Speaker, when they do they will find their fears to be ill-founded. The decision does not strike at the values which the first amendment is designed to protect; rather, it supports those values.

The Commission's decision is unusual it is true, but only because it is the first one in which the agency enforced what is known as the first part of the fairness doctrine; that is, that stations have an affirmative obligation to provide coverage of critical issues of importance to their communities. The FCC has previously enforced, although on only a handful of occasions, the second half of the fairness